

Exhibit K

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May 11, 2012

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EXHS. 1 - 22

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
Civil Action No. 8:10-CV-1516

* * * * *
Argonaut Insurance Company and *
Great American Insurance Company as *
subrogees of the Town of Dannemora *
v. *
Samsung Heavy Industries Co. Ltd. *
and Volvo Construction Equipment *
North America, Inc. *
* * * * *

Deposition of Ronald E. Parsons
Friday, May 11, 2012
Wright Group Inc.
125 Stanphyl Road
North Uxbridge, Massachusetts 01538

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Registered Professional Reporter
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 Group Inc.

2 Résumé of Ronald Parsons 34

3 Résumé of Jack Wentzell 35

4 Wright Group assignment sheet, headed WSI 40
 File No. 57793, Claim No. 48412

5 Layout drawing of Dannemora Highway 51
 Garage, handwritten at top "Tied into
 duplicate bldg."

6 Layout drawing of Dannemora Highway 51
 Garage, handwritten at top "100' x 50'"

7 Interviews conducted by Wright Group of 56
 Town of Dannemora employees

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20 Photograph of loss scene showing vehicles 193

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(EXHIBITS RETAINED BY ATTORNEY KELEHER)

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P R O C E E D I N G S

9:05 a.m.

RONALD E. PARSONS,

having been first duly sworn on oath,
was examined and testified as follows:

EXAMINATION

BY MR. KELEHER:

Q. Mr. Parsons, as you know, my name is Tom Keleher and I represent the defendants in this case. I am going to ask you some questions this morning about your background and your investigation of the fire at the town of Dannemora which occurred on January 1st, 2010. I know you've been through this process many times, but if there's anything that you don't understand, please let me know. Make sure you verbalize all your responses for the court reporter. Okay?

A. Yes.

Q. State your full name for the record, if you would.

A. Ronald Parsons.

Q. And what is your home address?

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1 I word this -- they have been both electrical and
2 hydraulic-related.

3 Q. What pieces of equipment were involved?

4 A. Excavators, wheel loaders, bulldozers,
5 skid steers. I think those are the major groups
6 that we have looked at.

7 Q. And in terms of wheel loaders, can you
8 identify the model?

9 A. I have looked at numerous, 992s, 980s. I
10 think we have had some fires in some 966s.

11 Q. Do you have any active cases against
12 Caterpillar at the present time?

13 A. Not that I'm aware of, sir, no.

14 Q. Now, you have investigated many fires, I
15 think you told me. When you do a fire
16 investigation, do you personally have a certain
17 custom and practice that you follow in investigating
18 a fire?

19 A. Typically we determine the origin first
20 and then we determine the cause.

21 Q. But I'm talking about you yourself. When
22 you go out to the scene, do you have a certain
23 custom and practice that you follow?

24 A. Correct. The Wright Group has a certain

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1 custom and practice that I follow also and it is
2 ultimately the 921 guidelines. So we determine the
3 origin first, which consists of four areas, that is,
4 witness statements, arc mapping, fire patterns, and
5 fire dynamics.

6 Q. On those cases where you go to the site
7 and do a site inspection, what is your custom and
8 practice in conducting the site inspection?

9 A. Interviews, evaluating fire patterns,
10 looking at fuel packages so we can evaluate the fire
11 dynamics, and then looking at the electrical
12 architecture within the structure.

13 Q. And how do you go about that when you are
14 on the site yourself?

15 A. I would interview whatever persons have
16 the most knowledge. I would then work through the
17 site to identify fuel packages, identify what
18 equipment is there, identify what components are
19 there. I would also look at the electrical
20 architecture to see if I can document the electrical
21 events, if there are any in the electrical
22 architecture, and I would look at the dynamics, what
23 fuel packages and how they may play and affect the
24 fire growth.

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1 A. Yes, sir.

2 Q. Witness statements, fire patterns, fire
3 dynamics, and arcing?

4 A. Arc mapping, yes, sir.

5 Q. Arc mapping. Is that correct?

6 A. Yes.

7 Q. All right. And in coming to your
8 conclusion in this case that the fire started at the
9 Samsung, you are relying upon three of those four
10 elements. Is that correct?

11 A. Correct.

12 Q. The element that you are not relying upon
13 is the fire patterns?

14 A. I'm relying on the fire patterns but to a
15 substantially lesser degree based on the total
16 destruction of the building.

17 Q. Well, when you say the total destruction
18 of the building, is it your testimony -- Well, what
19 do you mean by that?

20 A. The building flashed over. All
21 combustibles in that garage had some level of
22 burning, and the fire burned basically unabated
23 because the fire department had a very difficult
24 time suppressing it because the exterior skin of the

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1 building is steel.

2 Q. But all of the combustibles were not fully
3 consumed. Isn't that true?

4 A. Correct. That was my statement. I said
5 all of the combustibles had varying amounts of
6 damage.

7 Q. And therefore some of the combustibles
8 remained and were able to be observed for various
9 fire patterns. Isn't that true?

10 A. That is correct.

11 Q. But you do not base your opinion as to the
12 origin of the fire at the Samsung on the fire
13 patterns; you're relying upon the other three
14 elements?

15 A. Primarily the other three elements. I
16 give some weight to fire patterns, but one must use
17 caution in evaluating fire patterns when a building
18 has been fully involved. There are multiple issues
19 to look at: suppression, ventilation. There's all
20 kinds of issues to deal with.

21 Q. But one must use caution; one must not
22 eliminate the existence of fire patterns. Isn't
23 that true?

24 A. Well, I don't eliminate them, but they are

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1 typically very unreliable.

2 Q. Let's talk first about the witness
3 statements from Mr. Barber. He is the individual
4 that you are relying upon?

5 A. Yes, sir.

6 Q. And what is it, what statements are you
7 relying upon from Mr. Barber?

8 A. When Mr. Barber received the phone call
9 from I believe the Kings, actually his wife received
10 the phone call, he lived four to five tenths of a
11 mile away from the garage. As he approached the
12 garage, the lower portion of the door had failed.
13 There was no --

14 Q. What do you mean by that?

15 A. He could look into the garage, so the door
16 had failed.

17 Q. And by "door had failed," the lower
18 portion of the door had failed, are you saying that
19 it had been consumed by the fire?

20 A. I don't know. It could have simply
21 dropped free from its hinges. I don't know. I have
22 no knowledge of that. All I know is, the lower
23 portion of the door had failed; he could look into
24 the garage. At the center of the garage he noted

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1 A. Correct.

2 Q. But you would concede, would you not, that
3 all combustibles had not been fully consumed?

4 A. All combustibles had been burned --

5 Q. To some extent, you mean?

6 A. Correct. That would be a more accurate
7 statement.

8 Q. So they had not been consumed in full?

9 A. No, that's correct.

10 Q. You then go on to say in the next sentence
11 that "The fire patterns that remained after the full
12 involvement and collapse of the building are
13 unreliable for determining the origin of the fire."

14 A. That's exactly correct. If you were to
15 use fire patterns alone, they are unreliable. If
16 you use all of the elements of origin, you can give
17 some weight to fire patterns. But just to use fire
18 patterns, that origin analysis would be unreliable.

19 Q. But in your report you're basically saying
20 that the fire patterns were totally unreliable and
21 you're not using them at all in arriving at your
22 determination of origin, are you?

23 A. I give every element of origin weight.
24 The least weight is fire patterns. And if one

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1 chooses to use just fire patterns, they are
2 unreliable.

3 Q. On this particular page you seem to
4 indicate that they are unreliable because all of the
5 combustibles were consumed. Isn't that what you're
6 saying here?

7 A. No. They are unreliable because the
8 building had flashed over and had been completely
9 involved in fire.

10 Q. In any event, with respect to the
11 combustibles themselves, this is not a correct
12 statement on page 23, that they were consumed?

13 A. That's correct.

14 Q. Is that true?

15 A. Yes.

16 Q. So it is another error in your report?

17 A. Oh, I don't consider that an error. It's
18 just varying stages of being consumed.

19 Q. That statement is not correct. Isn't that
20 right, Mr. Parsons?

21 A. No. I guess I would take the position
22 that they were in various stages of being consumed
23 and this statement is accurate. I could have
24 described it better, but it's accurate.